IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE C.Y. SOMAYAJULU

WRIT PETITION No. 23898 OF 1996

Date:01.02.2006

BETWEEN:

Ch. Sivanadha Reddy

…. PETITIONER

Vs.

The Mandal Revenue Officer,

Mylavaram, Cuddapah District.

…. RESPONDENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION No. 23898 OF 1996

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ORDER:

This writ petition is filed questioning the proceedings in Rc.No.B/121/96, dated 21.9.1996 of the Mandal Revenue Officer, Mylavaram Mandal, (respondent herein) directing the petitioner not to enter into Acs.2.22 cents of land in S.No.623/1 and Acs.0.77 cents of land in S.No.623/3 of Dommara Nandyal village in Mylavaram Mandal.

The case of the petitioner is that he purchased an extent of Acs.2.22 cents of land in S.No.623/1 of Dommara Nandyal village and that that land originally

belonged to Sri Mangali Buchigadu, who sold it to Sri Subba Ramaiah under a registered sale deed dated 1.7.1929 and it was later sold to D.V. Subba Rao S/o. Subbaramaiah under a registered sale deed dated 25.8.1962, and that it was purchased by his vendor, who in turn sold to him under a registered sale deed dated 11.6.1996, and that respondent at the instance of local political leaders and others, issued notice dated 21.9.1996 directing him not to enter into the said land, and so, these proceedings are liable to be set aside.

While admitting this petition learned judge by order dated 12.11.1996 in W.P.M.P.No.29512 of 1996 granted interim suspension of the impugned order. But till now respondent did not file counter affidavit.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for respondent.

Since the possession of the petitioner is admitted, if the respondent feels that the land in dispute does not belong to the petitioner, and that it belongs to the Government, he has to take appropriate action in accordance with law to dispossess the petitioner or to restrain him from utilizing that land. But without taking recourse to due process of law he cannot direct the petitioner not to enter into the land purchased by him. Therefore, the order impugned is liable to be and hence is set aside.

The Writ Petition is accordingly allowed with costs.

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(C.Y. Somayajulu, J.)

1st February, 2006

js.